

REMARKS

This is in response to the Office Action mailed October 20, 2006 in which claims 12, 16, 19, 42, 43 and 47-48 were rejected. Claims 19, 43 and 48 were rejected under 35 U.S.C. §102(e) as being anticipated by Videlich (U.S. Pat. App. Pub. No. 2004/0010366, now issued as U.S. Pat. No. 7,062,379). Claims 12, 42 and 47 were rejected under 35 U.S.C. §103(a) as being obvious over Videlich. Claim 16 was rejected under 35 U.S.C. §103(a) as being obvious over Videlich in view of Koeller (U.S. Pat. No. 6,297,766).

Claim Rejections - 35 U.S.C. §102(e)

Claims 19, 43 and 48 were rejected under 35 U.S.C. §102(e) as being anticipated by Videlich (U.S. Pat. App. Pub. No. 2004/0010366).

In order to anticipate a claim, the identical invention must be shown in a reference in as complete detail as is contained in the claim. M.P.E.P. 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d (BNA) 1913, 1920 (Fed. Cir. 1989). Likewise, in order to reject a claim under 35 U.S.C. §102, each and every element as set forth in the claim must be found, either expressly or inherently described, in the prior art. See M.P.E.P. 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d (BNA) 1051, 1053 (Fed. Cir. 1987).

Amended independent claim 19 relates to a portable alert system for receiving emergency event data. The system according to amended independent claim 19 requires a radio receiver for receiving emergency event data, a global positioning system (GPS) receiver for determining a location of the portable alert system, a cellular phone system for receiving digital data, a computer processor disposed within the portable alert system, and control software utilized by the computer processor for processing the emergency event data and an input from the global positioning system to provide an output to a display indicating a position of the portable alert system and a position of an emergency. According to amended independent claim 19, the computer processor must process the input from the global positioning system receiver to automatically program the radio receiver to receive only an emergency data broadcast data

signal associated with the location of the portable alert system, and utilize the control software to simultaneously process the emergency event data from the radio receiver and the digital data from the cellular phone system. The structure and language of amended independent claim 19 draws a distinction between digital data (used by the cell phone system) and emergency event data (from the radio receiver) and input "data" used by the global positioning system receiver.

Videtich discloses a method and system for delivering location-dependent traffic information. Videtich discloses a GPS system (126) for determining vehicle (110) position, a telematics unit (120) located in the vehicle (110), a satellite radio broadcasting system (180) and receiver (140), a wireless carrier system (190) such as a mobile telephone system, and a terrestrial radio transmitter repeater (170). (Videtich, ¶¶18, 24, 27; FIG. 1).¹ Videtech further discloses a telematics service call center (150). (Videtich, ¶¶18, 22-25; FIG. 1). Videtich discloses collecting traffic data at the telematics service call center (150) and then sending a single, compiled traffic data signal to the telematics unit (120) in the vehicle (110) via the satellite radio system (180). (Videtich, ¶¶8, 10, 18, 23; FIG. 1). The terrestrial radio transmitter repeaters (170) can relay the signal from the satellite radio system (180) to the vehicle (110), but ultimately represents the same data signal from the telematics service call center (150) as from the satellite radio system (180). (Videtich, ¶¶24, 31). The Videtich system discloses receiving data signals from alternative sources, such as satellite or terrestrial radio sources, but does not disclose simultaneously receiving emergency event data from two or more sources. (Videtich, ¶¶21, 29-32; FIGS. 1 and 2). In that respect, the wireless carrier or cellular phone system (190) of Videtich can be used as an independent communications channel to provide two-way or "duplex" between the mobile vehicle (110) and the telematics services call center (150) in order to manually request new traffic information. (Videtich, ¶¶27, 39). However, that procedure does not involve simultaneous process of different data signals but instead

¹In paragraph 27, Videtich discusses a "wireless carrier system 140". It is believed that this is a typographical error and that paragraph 27 properly should refer to wireless carrier system 190, because reference number 190 had previously been used to identify that feature and reference number 140 was used to describe satellite radio receiver in paragraph 25 and FIG. 1.

is a procedure that triggers the transmission of a single selected data signal. In this way, Videlich discloses that its system can resemble known OnStar™ systems which utilize calls to a live operator in a call center.

In general, Videlich is distinguishable from the present invention on the grounds that communications are brokered by the telematics services center (150). As specified by independent claim 19, the present invention requires simultaneous processing of different data sources by a process located within the portable alert system. The present invention therefore has a different configuration to perform different types of signal reception and processing simultaneously at or within the portable system, rather than requiring a central telematics center that provides a single custom data signal to the portable system. Moreover, Videlich lacks the particular type of visualization on a display required by the present claims.

In particular, Videlich does not show, teach or disclose a computer processor that utilizes control software to *simultaneously* process emergency event data from the radio receiver and digital data from a cellular phone system to provide an output to a display indicating a position of the portable alert system and a position of an emergency, as required by independent claim 19. Instead, Videlich discloses contacting the telematics service call center (150) using a cellular phone system (134, 190, 220) and in response to that cellular alert, then transmits traffic data to the mobile vehicle (110) via the satellite radio system (180). In other words, the cellular phone system of Videlich does not provide digital data a cellular phone system that is simultaneously processed with emergency event data from a radio receiver. To the extent that any data is processed simultaneously by Videlich, that processing would occur at the telematics services call center (150) rather than in the telematics unit (140) in the mobile vehicle (110).

The Office Action cites to paragraphs that disclose alternative types of signal communication methods. (10/20/2006 Office Action, p. 4). However, Videlich lacks any disclosure or suggestion to utilize different data sources *simultaneously* to provide an output to a display. When mentioning alternative types of transmission means for sending the single data signal, Videlich uses the word "or" to indicate that those are alternative transmission mediums for a single data signal rather than different media used to simultaneously send different data signals. (See Videlich, ¶21).

In addition, Videtich does not disclose providing an output to a display indicating a position of the portable alert system and a position of an emergency. Videtich does not disclose providing a display with particular location-specific information. Indeed, Videtich does not disclose identifying the location of an emergency at all, much less indicating such a location on a display along with a location of the portable alert system. Videtich mentions text or flashing light displays, but fails to disclose identification of both a position of the portable alert system and a position of an emergency. (Videtich, ¶¶21, 38).

Therefore, Videtich does not show, teach or disclose all the limitations of independent claim 19. The rejection under 35 U.S.C. § 102(e) should accordingly be withdrawn.

Claims 43 and 48 depend from amended independent claim 19, and include all of the limitations of that base claim. Dependent claims 43 and 48 are likewise allowable over the cited art for the reasons stated above. The rejections under §102(e) should be withdrawn. Notification to that effect is requested.

Claim Rejections - 35 U.S.C. §103(a)

Claims 12, 42 and 47 were rejected under 35 U.S.C. §103(a) as being obvious over Videtich (U.S. Pat. App. Pub. No. 2004/0010366) in view of Official Notice taken regarding satellite phones.

The relevant disclosure of Videtich is discussed above. Official Notice was taken at page 4 of the October 20, 2006 Office Action to state "that it is well known in the art to substitute a satellite phone with a cellular phone. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a satellite phone in stead of a cellular phone connection because satellite phones have a larger service area, which would be beneficial in traveling in remote areas."

Amended independent claim 12 relates to a portable alert system for receiving emergency event data. The system according to amended independent claim 12 requires a radio receiver for receiving emergency event data, a global positioning system receiver for determining a location of the portable alert system, a satellite receiver for receiving digital data, a computer processor disposed within the portable

alert system, and control software utilized by the computer processor for processing the emergency event data and an input from the global positioning system to provide an output to a display indicating a position of the portable alert system and a position of an emergency. According to amended independent claim 12, the computer processor must process the input from the global positioning system receiver to automatically program the radio receiver to receive only an emergency data broadcast data signal associated with the location of the portable alert system and utilize the control software to simultaneously process the emergency event data from the radio receiver and the digital data from the satellite receiver. The structure and language of amended independent claim 12 draws a distinction between digital data (used by the satellite receiver) and emergency event data (from the radio receiver) and input "data" used by the global positioning system receiver.

As discussed above, Videtich does not teach or suggest simultaneous processing of different data sources. Accordingly, even if the disclosure of Videtich were combined with the subject matter of the Official Notice, there would still be no disclosure, teaching or suggestion to utilize simultaneous processing of different data sources. Furthermore, the Official Notice does not remedy the fact that Videtich also fails to teach or disclose providing an output to a display indicating a position of the portable alert system and a position of an emergency, as discussed above. Satellite phones do not typically include complex visual displays for digital data, and such a features were not included in the Official Notice. Thus, Videtich in view of the Official Notice fails to teach or suggest each and every limitation of independent claim 12. The rejection under §103(a) should accordingly be withdrawn. Notification to that effect is requested.

Claims 42 and 47 depend from amended independent claim 12, and include all of the limitations of that base claim. For the reasons stated above, dependent claims 42 and 47 are likewise allowable over the cited art and the rejections under §103(a) should be withdrawn. Notification to that effect is requested.

Claim 16 was rejected under 35 U.S.C. §103(a) as being obvious over Videlich (U.S. Pat. App. Pub. No. 2004/0010366) in view of Koeller (U.S. Pat. No. 6,297,766).

Claim 16 depends from independent claim 12, discussed above, and further requires that the digital data received by the satellite receiver comprises digital radar data.

The relevant disclosure of Videlich is discussed above. The Office Action, on page 4, notes that Videlich does not disclose that received digital data is digital radar data.

Koeller discloses a portable weather indicating device and method. The device (100) of Koeller includes a housing (110) having a display (120), a GPS receiver (220), a microprocessor (230), and a communications link (250). (Koeller, col. 2, ll. 61-67; FIGS. 1 and 2). Koeller discloses that the communications link (250) can operate using RF, modem, cellular phone, or satellite communications. (Koeller, col. 3, line 56 to col. 4, line 25). Weather data is transmitted from a data source (202) to a base station (200) having a communications link (204), which in turn is linked to the communications link (250) of the device (100). (Koeller, col. 4, ll. 6-13 and 26-47; FIG. 2). Weather data received by the device (100) of Koeller can include visual weather data displayed on the display (120). (Koeller, col. 4, ll. 26-47; col. 6, ll. 1-56; FIGS. 6 and 7). According to Koeller, all weather data, including weather image data, is transmitted to from a single source. (Koeller, col. 5, line 20 to col. 6, line 56; FIGS. 3, 6 and 7). Namely, the device (100) of Koeller obtains weather data solely from a single wireless link with the nearest base station (200). (Koeller, col. 5, ll. 20-27 and 57-64).

As discussed above, Videlich fails to teach or disclose providing an output to a display indicating a position of the portable alert system and a position of an emergency. Indeed, Videlich does not disclose any display of particular data, much less the specific type of data required to be displayed by dependent claim 16.

Moreover, Koeller does not teach or suggest each and every limitation of dependent claim 16 either alone or in conjunction with Videlich. As required by dependent claim 16, a computer processor located within the portable alert system must utilize control software to simultaneously process emergency

event data from a radio receiver and digital data from a satellite receiver. In contrast, Koeller discloses only the use of a single communications link (between communication links 204 and 250). Koeller discloses alternative means for enabling the single communication link, but fails to disclose *simultaneous* processing of emergency event data from a radio receiver and digital radar data from a satellite receiver within the portable device (100). Indeed, Koeller fails to disclose simultaneous processing of different types of data signals within the portable device (100) at all. Rather, as discussed above, Koeller obtains only signals from the data source (202) of the base station (200), such that processing is performed at the base station (200) rather than at the portable device (100). This is important because dependent claim 16 requires that the digital radar data be received by a satellite receiver and processed simultaneously with emergency event data received by a radio receiver within a portable alert system. Neither Koeller nor Videtich teach or suggest this limitation of dependent claim 16.

Thus, Videtich in view of Koeller fail to teach or suggest each and every limitation of dependent claim 16, and the rejection under §103(a) should be withdrawn. Notification to that effect is requested.

CONCLUSION

All of the pending claims are currently in condition for allowance. Notification to that effect is requested. The Examiner is invited to contact the undersigned at the telephone number listed below if such a call would in any way facilitate allowance of the application. The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,
KINNEY & LANGE, P.A.

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By: Austen Z
Austen P. Zuege, Reg. No. 57,907
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580